THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 565 OF 2002

Dated 3rd October, 2007

Between:

Sri M.Kumar

…Petitioner.

And

The Kuppam Rural Electric Co-operative Society Limited, Kuppam, represented by its Managing Director.

…Respondent.

ORAL ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondent in disconnecting the electricity supply to the Service Connection No. 785, Vijayalapuram Distribution, Ramakuppam Mandal, Chittoor District.

It is stated in the writ affidavit that the petitioner is the consumer of electricity from the respondent-Society, which is a licensee in the area for the purpose of distribution of electricity. The electricity was disconnected only on account of non-payment of some arrears to the tune of Rs.5,672/-. The plea of the petitioner is that the respondent being a society can as well raise a dispute under the provisions of the A.P. Cooperative Societies Act.

It is to be seen that the supply of power is as per the terms and conditions of supply, as per which, respondent is empowered to disconnect the power supply in the event of non-payment of consumption charges regularly. As much as the non-payment of arrears of consumption charges to the tune of Rs.5,672/- is not in dispute, the respondent need not raise any dispute and it can also invoke the terms and conditions of supply and disconnect the power for non-payment of arrears. However, this court at the time of admission, granted interim direction on 4.1.2002 to the respondent to restore power supply to the petitioner subject to payment of an amount of Rs.2000/-.

In that view of the matter, I dispose of the writ petition permitting the petitioner to pay the balance arrears of Rs.3672/- within a period of eight weeks from the date of the receipt of a copy of this order.

Subject to above direction, the writ petition is disposed of. No costs.

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3-10-2007 **R.SUBHASH REDDY, J.**

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